REMARKS

Claims 24, 26-28, 30-45, and 47 are pending; all other claims through Claim 46 are cancelled. Claims 24, 26-28, and 30-45 are currently amended. Claim 47 is new.

I. Support for Amended Claim 45

Claim 45 is amended to recite that the first and second crosslinking agents are activated by actinic radiation. For the first crosslinking agent, present in the primer layer, support may be found on page 8, lines 1-5. For the second crosslinking agent, present in the pressure sensitive adhesive layer, support may be found on page 6, lines 3-5. Claim 45 is also amended to recite that the actinic radiation is applied to crosslink the primer and the pressure sensitive adhesive. Support may be found on page 11, line 30 to page 12, line 1, and on page 12, lines 10-14. Support may also be found by comparing Example 7 and Comparative Example F as described on page 19, lines 5-7, and on page 20, lines 1-3.

II. Patentability of Amended Claim 45

Amended claim 45 is believed to be patentable because, at the very least, a *prima facie* case of obviousness cannot be established over Babu et al. (US 5,112,882) taken in view of Davison (US 3,970,771), and further in view of St. Coeur et al. (US 6,048,610) taken as state of the art.

Not All Claim Limitations Are Taught or Suggested

Babu et al. discloses an adhesive composition having a crosslinking agent that can be cured using actinic radiation. Babu et al. mention that primers may be useful for improving adhesion to substrates, see col. 8, lines 50-56, but there is no disclosure relating to primers that may be cured by actinic radiation. Davison does not remedy this deficiency with Babu et al. because, at the very least, Davison does not disclose crosslinkable primer compositions. St. Coeur et al. disclose a primer composition comprising, as described in col. 1, line 66 to col. 2, line 7:

> "a maleic anhydride functionalized chlorinated polyolefin covalently bonded to a maleic anhydride functionalized thermoplastic copolymer by reacting the maleic anhydride functional groups on the chlorinated polyolefin and the thermoplastic copolymer with at least one crosslinking compound so that the maleic anhydride functionalized chlorinated polyolefin and the maleic anhydride functionalized thermoplastic copolymer form a crosslinked layer."

None of the crosslinking agents recited in St. Coeur (col. 3, lines 1-19) are useful for any type of reaction in which actinic radiation is used. Thus, St. Couer et al. do not remedy the deficiency described for Babu et al.

No Suggestion or Motivation

One of ordinary skill, having Babu et al. before him, would not find any teaching, let alone one that is sufficient, that could be used to come up with the invention of currently amended claim 45. This would require, at the very least, one to read the two sentences in Babu et al. regarding primers (col. 8, lines 50-56), and come up with the claimed invention. This would clearly constitute impermissible hindsight. Davison cannot be said to provide this teaching simply because crosslinkable primer compositions are not disclosed. St. Coeur et al. cannot be said to provide this teaching because: (i) they do not teach the use of crosslinking agents that can be activated by actinic radiation, and (ii) they do not teach that two layers could be coated and then crosslinked.

Regarding (i), it cannot be said that one of ordinary skill would have been motivated to use crosslinking agents that can be activated by actinic radiation because such agents would not crosslink the functional groups of the polymeric components. As for (ii), even if crosslinking agents that may be activated by actinic radiation were usable in their system, it is reasonably clear that St. Couer et al. desired to make a "crosslinked layer" as stated in the excerpt above, and not a pair of layers crosslinked together after they were coated, as recited in currently amended claim 45. It should also be noted that there is only one sentence that refers to adhesives in St. Couer, and it can be found in col. 3, lines 41-42:

> "Conventional pressure sensitive adhesives can be used in the tape of this invention."

Comments Regarding Selected Remarks Made by the Examiner

Previous remarks presented by the Examiner regarding now cancelled claim 46 are useful to address.

Office Action of 5/10/05

The Examiner states:

> "Accordingly, one of ordinary skill, motivated by an expectation of improved bonding properties in primer compositions suitable for adhering pressure sensitive adhesives to a desired substrate with an adhesive tape and the like would accordingly incorporate either of the resins set forth in each of the secondary references together with a suitable crosslinking agent into the primer composition of Babu et al., and thereby either form, or clearly render obvious, the claimed genus of primer compositions which are utilized in the pressure sensitive adhesive tape articles set forth in applicants' independent article claim..."

With respect to the currently amended claim 45, this statement would be flawed for at least the following reasons. If one were to incorporate the resins set forth in Davison together with a "suitable crosslinking agent" into the primer composition of Babu et al., the primer layer and the adhesive layer would not crosslink because the resins set forth in Davison are not crosslinkable. In a similar manner, if one were to incorporate the resins set forth in St. Coeur et al., the primer layer and the adhesive layer would not crosslink regardless of the crosslinking agent used, because the resins employed in each of the layers would not crosslink together.

Office Action of 10/24/05

The Examiner states:

> "As to the crosslinking of both the psa composition and the primer composition ... it is again noted that Babu et al teaches a crosslinked psa composition and St Coeur et al teaches a crosslinked primer composition, so such a moldification(s) is strongly believed to be well within the ordinary skill in the art."

With respect to the currently amended claim 45, this statement would be flawed because the primer layer and the adhesive layer would not crosslink regardless of the crosslinking agent used, because the resins employed in each of the layers would not crosslink together.

Office Action of 5/18/06

Applicant pointed out a limitation of the previously pending claim 46, namely, that the pressure sensitive adhesive and the primer are crosslinked. In response to this, the Examiner states:

> "In response thereto the Examiner respectfully takes Official Notice thereof that one of ordinary skill would expect that having the primer layer crosslinked with the psa layer would inherently improve bond strength between the two layer, and as such would be an obvious modification to one of ordinary skill."

Applicant does not agree with this statement. With respect to the currently amended claim 45, a rejection based on Babu et al., Davison, and St. Coeur et al. would be flawed for the many reasons described above, none of which could be overcome by this statement, even if it were to be true.

III. Pending Rejection

Claims 24 and 26-46 stand rejected under 35 USC § 103(a) as being unpatentable over Babu et al. (US 5,112,882) taken in view of Davison (US 3,970,771) and further in view of St. Coeur et al. (US 6,048,610) taken as state of the art. The only previous independent claim was claim 46 which is now cancelled. All other claims have been amended except for claim 47 which is new. Thus, the rejection is considered mute and should be withdrawn.

In view of the above, it is respectfully submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of the pending claims at an early date is solicited.

Respectfully submitted,

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